



PATENTS
CF-46

THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicant : Andrew C. Gilbert
Application No. : 10/042,371
Confirmation No. : 6761
Filed : December 27, 2001
For : SYSTEMS AND METHODS FOR CREATING AND
TRADING DYNAMIC SECURITIES
Group Art Unit : 2164

New York, New York 10020
July 15, 2002

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Hon. Commissioner for Patents
P.O. Box 2327
Arlington, Virginia 22202

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OFFICE OF PETITIONS

PETITION FOR FILING WHEN AN
INVENTOR'S LEGAL REPRESENTATIVE REFUSES TO SIGN
PURSUANT TO 37 C.F.R. § 1.47

The signature of the inventor for which a patent is sought on the above-entitled invention has not been secured.

The inventor whose signature has not been secured was present at the World Trade Center, Tower 1, on September 11, 2001. Because of the attack on the World Trade Center, that inventor is missing and presumed dead, and his legal representative (his wife) has been identified.

A diligent effort has been made to secure the signature of the legal representative. As proof, attached is a file copy of a January 15, 2002 letter from the undersigned to the legal representative that was sent by Federal Express along with a Declaration And Power Of Attorney in connection

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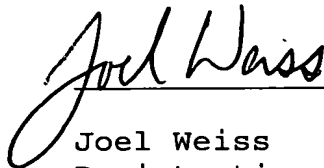
with this patent application. The legal representative of the deceased failed to execute and return the Declaration And Power Of Attorney on behalf of the deceased inventor in this case. Following the writing of the letter, the undersigned also left telephone messages on the legal representative's answering machine which were not returned.

Accordingly, applicant files herewith a Declaration And Power Of Attorney signed by a person to whom the deceased inventor has assigned or agreed in writing to assign the invention under 37 C.F.R. § 1.47(b). As a condition of his employment with eSpeed, Inc., a subsidiary of Cantor Fitzgerald, L.P., a company existing under the laws of the State of Delaware, the deceased inventor had agreed in writing to sign all required documents to transfer ownership to Cantor Fitzgerald of the inventions he invented while working for Cantor Fitzgerald.*

* The employment agreement states in pertinent part, "Cantor Fitzgerald owns all the tangible and intangible work product originated or developed by employees in connection with their employment, even if developed outside the Firm's premises. As a condition of your employment you agree that Cantor Fitzgerald shall have exclusive ownership of any and all right, title, and interest in (1) all copyright, trademarks, service mark rights, patents or processes associated with any work, mark, invention or process produced during the course of your employment which was originated or developed in connection with such employment; and (2) any such proprietary rights with respect to any invention or process originated or such proprietary rights with respect to any invention or process originated or developed in connection with your employment reduced to practice following the termination of your employment, if the invention or process existed in an intangible form prior to such termination, even if it was not workable at that time."

Should the legal representative subsequently execute the Declaration And Power Of Attorney, her executed Declaration And Power Of Attorney will be forwarded to the U.S. Patent and Trademark Office.

Respectfully submitted,

A handwritten signature in cursive script, reading "Joel Weiss", is written over a horizontal line.

Joel Weiss
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